IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

C.M. No. 18157-CII of 2006
in
C.R. No. 6302 of 2005 (O&M)
Date of Decision : 26.9.2007

Yatinder Kumar & Anr.

.....Petitioners

Versus

State of Haryana & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Arun Jain, Advocate
for the petitioners.

Mr. Amit Kaushik, AAG, Haryana.

Mr. Mahavir Sandu, Advocate
for respondent No.2.

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VINOD K. SHARMA, J. (ORAL)

This revision petition was disposed of on August 24, 2006 on the statement made by the learned counsel for the respondents on the instructions from Sh. Bhal Singh, Assistant, Karnal Improvement Trust, Karnal. The order passed on August 24, 2006 reads as under :-

"Learned counsel appearing for the respondent, on instructions from Mr. Bhal Singh, Assistant, Karnal Improvement Trust, states that total amount as per the orders passed in the writ petition stands disbursed to the petitioners.

In view of this statement, revision petition has been rendered infructuous. Disposed of as such."

The petitioner thereafter moved C.M. No. 18157-CII of 2006 to contend that the statement made by the respondent was not correct as the total decretal amount was not paid to all the claimants and a sum of Rs. 1,48,068/-(Rupees one lac forty eight thousand and sixty eight only) was still due and payable, however, it was reasserted that the total amount due stands paid. One of the plea taken was that only two of the claimants have claimed the amount whereas one of the claimants has not filed any revision petition.

In view of the averments made in the application, the order dated 24.8.2006 is recalled.

The C.M. stands disposed of.

As the dispute was with respect to calculation.

The learned counsel for the petitioner has filed the following calculation :-

Sr. No.	***Interest calculated by the petitioners***	***Total amount***
A	Interest @ 6% from 28.01.76 to 21.02.79 on Rs. 8,68,979.00 3Y 23D= Rs. 1,59,699.00	
B	Interest @ 6% from 21.02.79 to 30.04.82 on Rs. 4,34,000.00 3Y 68D= Rs. 82,971.00	
C	Interest @ 15% from 1.05.82 to 3.2.1984 on Rs. 4,34,000.00 1Y 9M= Rs. 1,13,925.00	
D	Interest @ 15% from 4.2.84 to 28.7.86 on balance Rs. 3,25,000/- 2Y 171D= Rs. 1,20,339.00	
	Rs. 1,08,000.00 was paid on 03.031984	
	Total A + B + C + D = Rs. 1,59,699.00 Rs. 82,971.00 Rs. 1,13,925.00 Rs. 1,20,339.00 Rs. 4,76,934.00	

Sr. No.	*Interest calculated by the petitioners*	*Total amount*
A B C	Less interest received Rs. 50,832.00 Rs. 47,794.00 Rs. 2,30,240.00 Total A + B + C	Rs. 3,28,866/-
	Balance receivable interest amount by applicants Rs. 4,76,934.00 - Rs. 3,28,866.00 Rs. 1,48,068.00	

to claim an amount of Rs. 1,48,068/-(Rupees one lac forty eight thousand and sixty eight only) whereas the learned counsel for the respondent relies on the calculation given as under :-

Sr. No.	*Interest calculated by the respondent*	*Total amount*
A	Interest @ 6% from 28.01.76 to 21.02.79 on Rs. 4,34,000.00 3Y 23D= Rs. 79,784.00	
B	Interest @ 6% from 21.02.79 to 30.04.82 on Rs. 2,17,000.00 3Y 68D= Rs. 41,555.00	
C	Interest @ 15% from 1.05.82 to 26.7.1986 on Rs. 3,25,000.00 4Y 86D= Rs. 2,06,828.00	
	Total A + B + C = Rs. 79,784.00 Rs. 41,555.00 Rs. 2,06,828.00 Rs. 3,28,167.00	
A B C	Less interest paid Rs. 50,832.00 Rs. 47,794.00 Rs. 2,30,240.00 Total A + B + C	Rs. 3,28,866/-

Sr. No.	*Interest calculated by the respondent*	*Total amount*
	Balance excess paid Rs. 3,28,866.00 Rs. 3,28,167.00 Rs. 699.00	

On consideration of matter, I find that the calculations given by the petitioner are correct and, therefore, they are entitled to a sum of Rs. 1,48,068/-(Rupees one lac forty eight thousand and sixty eight only).

The learned counsel for the respondent states that this amount shall be paid now within two weeks from the date of receipt of certified copy of this order. This claim will satisfy the claim of all the claimants.

Revision petition stands disposed of.

26.9.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**